

09-15-03

3723  
750 BERING DRIVE  
HOUSTON, TX 77057-2198  
PHONE 713.787.4400  
FAX 713.787.1440  
A LIMITED LIABILITY PARTNERSHIP

HOWREY  
SIMON  
ARNOLD  
& WHITE  
**HOWREY**  
ATTORNEYS AT LAW

SEP 12 2003  
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Michaud, Sroka, and Winkelmann

Serial No.: 10/071,533

Filed: February 7, 2002

For: CHEMICAL MECHANICAL MACHINING AND  
SURFACE FINISHING

Group Art Unit: 3723

Examiner:

Atty. Dkt. No.: 12350.0010.NPUS01

Confirmation No.: 1312

RECEIVED  
SEP 16 2003  
TECHNOLOGY CENTER R3700

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

EXPRESS MAIL MAILING LABEL

EV318621312US

NUMBER

DATE OF DEPOSIT 9-12-03

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450.

Signature

Amy K. Geyer

In response to the Office Action mailed on August 14, 2003, Applicants request the following:

**TRAVERSAL OF RESTRICTION REQUIREMENT:**

Applicants traverse the restriction requirement on the grounds that the inventions are not distinct as the Examiner argues, and therefore the Examiner will not be burdened in examining all the claims.

The Examiner argues that the inventions are distinct because they are separately usable. However, a closer inspection of the dependent claims to claim 1 shows that claims 42-44 (Group II) and 45-46 (Group III) are similar to at least 2 claims that depend from claim 1. For instance, Group II claims dealing with gears are similar to claim 28, while Group III claims dealing with a

bearing race are similar to claim 32. There are 2 criteria for a proper restriction requirement: 1) the inventions must be independent or distinct as claimed; and 2) there must be a serious burden on the Examiner. MPEP § 803. In this case, the inventions are not as distinct as the examiner claims, and furthermore, it is respectfully submitted that during the searching of the prior art for the limitations recited in the claims of the provisionally elected Group I, the Examiner will necessarily search the classes that include Groups II and III, as those processes are similar to and at least partially covered by claims that depend from Claim 1 of Group I. Therefore, the Examiner will not be subjected to multiple searches and thus the current situation does not constitute an undue burden for the Examiner. In view of the above arguments, Applicants request that the restriction requirement be reconsidered and withdrawn, and all the claims be examined together on the merits.

\*\*\*\*\*

**PROVISIONAL ELECTION OF GROUP I:**

Applicants request that the Examiner conduct the examination of the above referenced application based on Group I.

\*\*\*\*\*

Applicants request for any extension of time that may be deemed necessary to further the prosecution of this application.

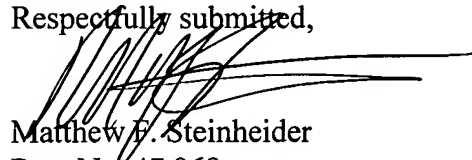
Applicants' representative authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12350.0010.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion.

Serial No.: 10/071,533  
Confirmation No.: 1312  
Applicant: Michaud, et al.  
Atty. Ref.: 12350.0010.NPUS00

In order to promote the prosecution of this application, the Examiner is authorized to contact the undersigned by electronic mail. Please address all e-mail to:  
steinheidern@howrey.com

Respectfully submitted,



Matthew F. Steinheider  
Reg. No. 47,968  
Tel. 713 787 1516  
Date: 9/12/03